

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CURTIS LUX, et al.,

Plaintiff(s),

V.

JORDANA BUCHANAN, et al.,

Defendant(s).

Case No. 2:23-cv-00839-MMD-NJK

Order

[Docket No. 13]

Pending before the Court is the parties' discovery plan seeking special scheduling review.

Docket No. 10.

The presumptively reasonable discovery period is 180 days measured from the first appearance of a defendant. Local Rule 26-1(a). In this case, the parties seek a discovery period of 379 days. *See* Docket No. 13 at 2.¹ In support of that special scheduling request, Plaintiffs assert that their claims are “complicated” and that discovery is expected to be voluminous. Docket No. 13 at 2-3. Defendants seek special scheduling as a means to delay discovery pending resolution of their motion to partially dismiss. Docket No. 13 at 3. Neither showing is sufficient. With respect to Plaintiffs’ assertions, no elaboration has been provided as to the nature of the claims or the expectation of voluminous discovery. With respect to Defendants’ assertion, the mere fact that a dispositive motion is pending is not good cause to delay discovery. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 600 (D. Nev. 2011) (“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending”). At any rate, Defendants’ motion is not potentially dispositive as it seeks only partial

¹ The local rules require counsel to identify in the discovery plan the number of days sought for the discovery period, measured from the date the first defendant answered or otherwise appeared. Local Rule 26-1(b)(1). The discovery plan fails to state that number.

1 dismissal. *Id.* at 602 (“the pending motion must be potentially dispositive of the entire case or at
2 least dispositive on the issue on which discovery is sought”).

3 Accordingly, the parties’ discovery plan is **DENIED** without prejudice. No later than July
4 13, 2023, the parties must file an amended discovery plan that either seeks the default schedule in
5 the local rules or provides elaboration on the need for additional time based on the complexity of
6 the case or extensive nature of the discovery envisioned.

7 IT IS SO ORDERED.

8 Dated: July 6, 2023

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10 Nancy J. Koppe
United States Magistrate Judge

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